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IN THE COURT OF SUBORDINATE JUDGE OF PALLADAM

PRESENT: Thiru.K. Yuvaraj, B.A.,B.L.,
Subordinate Judge, Palladam

Tuesday of 30th June, 2026

MCOP No.248/2025

(TNTI210003642025)

(a)	Name and address of the claimant / Petitioner (s)	1. P. Marimuthu, S/o. Pandiyan, No. 3, Kovil Thottam, TNPalayam, Coimbatore North, Jothipuram, Coimbatore District – 641 047. 2. M. Suppulkshmi, W/o. Marimuthu, No.3, Kovil Thottam, TN Palayam, Coimbatore North, Jothipuram, Coimbatore District – 641 047. 3. M. Deviki, W/o.Murugan, No.3A, Thirumalainayakkanpalayam, Kovil Thottam, Coimbatore North, Jothipuram, Coimbatore – 641 047. 4. M. Gayathri, D/o.Murugan, No.3A, Vadakku Street, Kovil Thottam, Thirumalainayakkanpalayam, Kovil Thottam, Coimbatore North, Jothipuram, Coimbatore District – 641 047. 5. M.Muththamilselvi (Minor), Rep by her natural guardian mother M.Deviki, D/o.Murugan, No.3A, Thirumalainayakkanpalayam, Kovil Thottam, Coimbatore North, Jothipuram, Coimbatore – 641 047.
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(b)	Name and address of the respondent (s)	1. T.Elampirathy, S/o. R.Thangavelu, No.102,N.No.290, Annampalayam, Kadiyankovil, Tiruppur. 2. K. Gowri, W/o.Kumaresan, No.39/1, Parameswaran layout, Coimbatore District – 641 004. 3. The Branch Manager, United India Insurance Company Limited, Having Office at No.2/117, PRS Road, Chennimalai, Erode – 638 051.
(c)	Name and address of the Insurance company	The Branch Manager, United India Insurance Company Limited, Having Office at No.2/117, PRS Road, Chennimalai, Erode – 638 051.
(d)	Name and address of the Transport Corporation or such other respondents who are held liable to pay	Not Applicable
(e)	Date of filing of the claim petition	25.06.2025
(f)	Date of award	30.06.2026
(g)	Amount of award	Rs.34,66,000/-
(h)	Interest rate applicable	7.5% per annum
(i)	Date(s) from which interest is payable	25.06.2025
(j)	Costs, if any	Stamp on petition Rs. 20.00 Stamp on Vakalath Rs. 10.00 Court fee Rs. 34,032.00 Advocate fee Rs. 41,660.00 ===== Total = Rs. 75,692.00
(k)	In cases where the compensation, interests and costs are directed to	The 3 rd Respondent is directed to deposit the award amount of

	be paid proportionately, the award should also specify who shall pay which portion of award, interest and costs.	Rs.34,66,000/- with interest at the rate of 7.5% p.a from the date of presentation of the petition till the date of realization, with costs, within 30 days from the date of order.
(l)	In cases where there are several claimants, the shares and amounts payable to each of them shall be specified.	The petitioners are entitled to Rs.34,66,000/- with proportionate interest and cost. The 1 st Petitioner shall be entitled to Rs.3,00,000/- and the 2 nd petitioner shall be entitled to Rs.4,00,000/- and 3 rd petitioner shall be entitled to Rs.13,00,000/- and 4 th petitioner shall be entitled to Rs.10,00,000/- and 5 th petitioner shall be entitled to Rs.4,66,000/- each with proportionate interest and cost.
(m)	The mode and manner of deposit of compensation	The 3 rd Respondent is directed to deposit the award amount with interest and cost in to the The 1 st Petitioner shall be entitled to Rs.3,00,000/- Since the 1 st Petitioner not provided his Bank Statement, the amount is directed to be deposited in the Savings Account No. 7756750373 (IFSC Code No. IDIB000P127, INDIAN BANK, PALLADAM BRANCH, PALLADAM,V.Collect.No.V000819) of Sub court, Palladam directly by NEFT/RTGS Mode and The 2 nd Petitioner shall be entitled to Rs.4,00,000/- Since the 2 nd Petitioner not provided her Bank Statement, the amount is directed to be deposited in the Savings Account No. 7756750373 (IFSC

		Code No. IDIB000P127, INDIAN BANK, PALLADAM BRANCH, PALLADAM,V.Collect.No.V000819) of Sub court, Palladam directly by NEFT/RTGS Mode and The 3rd Petitioner shall be entitled to Rs.13,00,000/- Since the 3rd Petitioner not provided her Bank Statement, the amount is directed to be deposited in the Savings Account No. 7756750373 (IFSC Code No. IDIB000P127, INDIAN BANK, PALLADAM BRANCH, PALLADAM,V.Collect.No.V000819) of Sub court, Palladam directly by NEFT/RTGS Mode and The 4th Petitioner shall be entitled to Rs.10,00,000/- Since the Petitioner not provided her Bank Statement, the amount is directed to be deposited in the Savings Account No. 7756750373 (IFSC Code No. IDIB000P127, INDIAN BANK, PALLADAM BRANCH, PALLADAM,V.Collect.No.V000819) of Sub court, Palladam directly by NEFT/RTGS Mode and The 5th Petitioner, since she is a Minor her amount of Rs.4,66,000/- is directed to be pay to the Court account as Savings Account No. 7756750373 (IFSC Code No. IDIB000P127, INDIAN BANK, PALLADAM BRANCH, PALLADAM, V.COLLECT No.V00819MCOP18of2021) of Sub court, Palladam directly by NEFT/RTGS Mode and to file Bank
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		payment advice into this Court through email (tprpldm.sctn@gmail.com) The petitioners are not entitled to get any interest for the default period if any.
(n)	Period of default to which the petitioner are not entitled for interest, if any.	Nil
(o)	Balance of Court fee	The petitioner is directed to pay the court fee of Rs.34,032/- within 2 weeks from the date of this order. The petitioner shall not be entitled to withdraw the sum deposited as per the Award until the balance of court fee is deposited

1. P.Marimuthu
2. M.Suppulakshmi
3. M.Deviki
4. M.Gayathri
5. M.Muththamilsevi (Minor)

Rep by her natural Guardian Mother M.Deviki

... Petitioners

// Versus //

1. T.Elampirathy
2. K.Gowri
3. The Branch Manager

United India Insurance Company Limited

...Respondents

This petition came up for final hearing on 30.06.2026 in the presence of **Thiru.V.Mohan,B.A.,B.L.,** Advocate for the petitioners and **Thiru.S.Parry Mohan,B.B.A.,L.L.B.,(Hons)** Advocate for the 2nd Respondent and **Thiru.R.Manickaraj,B.Com,B.L.,** Advocate for the 3rd Respondent. The 1st Respondent Called absent and set exparte. The After hearing the arguments on both sides and upon perusing the materials available on record, this Court delivered the following:-

AWARD

This original petition was filed by the petitioner Under Section 166 (1) of the Motor Vehicles Act to direct the respondents are such of the who found liable to pay the petitioner the sum of Rs.60,00,000/- towards compensation together with subsequent interest there are at 18% per annum from the date of this claim petition till realization in full.

02. The Averments in the petitioner in brief as follows :

1. That on 14.03.2025 at 08.30 PM the Deceased parked his TVS Victor bearing regn.No. Tn-37-AL-3930 at Kovai to Trichy Road Infront of Muthu Hotel Chettipalayam Pirivu Bus Stop on the mud road by much observing traffic rules and regulations. At that time the 1st Respondent drove the Honda City Car bearing regn.No.TN-37-CC-9099 on the above said road from west

to east direction in a high speed, rash and negligent manner without observing any traffic rules and regulations dashed the vehicle of the deceased and caused the accident which resulted in death of M.Murugan.

2. At the time of accident, the deceased was working as Loadman in K.M Knitwear and he had earned a monthly income of not less than Rs.25,000/-. The deceased was about 40 years and hale and healthy. The 1st Petitioner is the Father, The 2nd Petitioner is the Mother, The 3rd Petitioner is the Wife, The 4th and 5th Petitioners are the daughters of the Deceased. The deceased was the only earning member of the family. If he would not have died in the accident, he would contribute all his earnings to his family. The petitioners are the dependents of the deceased M.Murugan. Under the said circumstances the petitioner is claiming a sum of Rs. 60,00,000/- from date of this claim petition till realization in full.

03. The Averments in counter 2nd Respondent in brief :

The Petition is false, frivolous, vexations and unsustainable both under law and the facts of the case. Except the averments which are specifically admitted herein and all other allegations are denied as false and the Petitioner has to prove the same. The accident was happened due to the negligent of the deceased. The subject vehicle was sold to one Vijayakumar on 08.12.2022 and inturn the subject vehicle was sold to 1st respondent. Hence this 2nd respondent

was not a necessary party in this case. Hence the 2nd respondent is not liable to pay compensation.

04. The Averments in counter 3rd Respondent in brief :

The Petition is false, frivolous, vexations and unsustainable both under law and the facts of the case. Except the averments which are specifically admitted herein and all other allegations are denied as false and the Petitioner has to prove the same. The accident was happened due to the negligent of the deceased. Further deceased has no valid license. Hence the 3rd respondent is not liable to pay compensation.

04. Now point for the consideration is whether this petition is allowed ?

Since it is a summary trial it is foremost to decide the following heads:

05. Negligence:

1. It is the case of the petitioner that on 14.03.2025 at 08.30 PM the Deceased parked his TVS Victor bearing regn.No. Tn-37-AL-3930 at Kovai to Trichy Road Infront of Muthu Hotel Chettipalayam Pirivu Bus Stop on the mud road by much observing traffic rules and regulations. At that time the 1st Respondent drove the Honda City Car bearing regn.No.TN-37-CC-9099 on the above said road from west to east direction in a high speed, rash and negligent manner without observing any traffic rules and regulations dashed

the vehicle of the deceased and caused the accident which resulted in death of M.Murugan.

2. In order to substantiate such claim petitioner was examined as PW1 and through him Ex.P1 to Ex.P8 documents have been marked. On careful reading of Ex.P2 Final Report filed by Police it is seen that accident was happened due to the negligence of 1st respondent, hence it is clear that accident was happened due to the rash and negligence of 1st Respondent. So this court is of considered view that accident was happened due to the negligence of 1st respondent.

06. Liability:

It is the case of the learned counsel appearing for the 3rd respondent that the accident was happened due to the negligence of the deceased, Hence they are not liable to pay the compensation. On careful perusal of evidences it is seen that accident was happened due to the negligent act of 1st respondent. Here the 2nd respondent pleaded that she sold the subject vehicle to one Vijayakumar and he inturn sold to 1st respondent. Here from face of re4cords it is admitted on the side of 3rd respondent that subject offending vehicle was insured with 3rd respondent and it has a policy for third party claim. Hence this court need not go into the issue of ownership, So, 3rd respondent Insurance company is liable to pay the compensation as awarded.

07. Quantum:-

Since this court found that accident was happened due to negligence of 1st respondent and 3rd respondent is directed to pay the compensation. With respect to quantum it is foremost duty of this court to fix the monthly salary of the deceased. Here as per case of petitioner and as per Ex.P6 Death Certificate the age of the deceased M.Murugan. was 39 years. There is no contra evidence adduced by the 2nd respondent to deny the age of the deceased M.Murugan.

2. For fixation of monthly salary it is the case of the petitioner that deceased M.Murugan. the deceased was working as Loadman in K.M Knitwear and he had earned an income of not less than Rs.25,000/-. Without a piece of documentary evidence this court cannot accept the fact that deceased would have earned a monthly salary of Rs. 25,000/-. Hence as per judgment of our **Hon'ble High Court in Petchiammal and others Vs Sathiyamoorthy and another** in **CM.A.No. 2636/2022** dated 17.07.2023 wherein our Hon'ble High Court had fixed a nominal income is **Rs.17,000/-** for the accident happened on 2019 whereas here accident happened on 2022. But taking note of fact that age, gender of the deceased at the time of accident was 39 and he was hale and healthy at that time. Hence taking note of such fact this court hereby fix the

nominal income of Deceased M.Murugan as **Rs.17,000/-** at the time of accident.

3. To assess the appropriate compensation the monthly income, multiply, loss of estate, consortium, funeral expenses should be taken into account. Here monthly income was fixed as Rs.17,000/- and age fixed as 39 years for deceased M.Murugan. As per guidelines of our **Hon'ble Apex Court in Pranay Sethi case** future prospectus should be added in the income of the deceased. Here age of the deceased is 39 years and self employed. Hence future prospectus fixed as 40% of his monthly income (Fixed as Rs.17,000/-) So the monthly income of the deceased M.Murugan would be $(Rs.17,000 \times 40\% = 6,800/- + 17,000 = \text{Rs.23,800/-})$

4. The deceased M.Murugan would have spend 1/4 of his income that will come as Rs.5,950/-. So after deduction amount is fixed as Rs.17,850/-. So the yearly loss of dependency would be $(17,850 \times 12 = \text{Rs.2,14,200/-})$. Hence yearly loss of dependency fixed as **Rs.2,14,200/-**. As per judgment of our **Hon'ble Supreme Court in Sarala Verma case** the multiplicand for the age between 36-40 years is 15. So, the loss of dependency would be $(2,14,200 \times 15 = \text{Rs.32,13,000/-})$

5. Apart from loss dependency the dependent is entitled for loss of estate, loss of consortium, funeral expenses and transport expenses as per decision of Pranay Seithi case. As per said decision our Hon'ble Apex Court had ordered to pay Rs. 40,000/- towards Consortium, Rs. 15,000/- towards Funeral and Rs. 15,000/- Loss of estate. Further our Hon'ble Apex Court had ordered to enhance 10% under conventional heads once in three years. The said decision was decided before three years. Hence as per order of Hon'ble Apex Court the petitioner is entitled to $(15000 \times 10\%)$ Rs. 16,500/- towards loss of Estate, $(15000 \times 10\%)$ Rs. 16,500/- towards funeral expenses and $(40000 \times 10\%)$ Rs. 44,000/- towards each consortium for Petitioners. So this petitioners are entitled to $(32,13,000 + 16,500 + 16,500 + 44,000 + 44,000 + 44,000 + 44,000 + 44,000) = \text{Rs.}34,66,000/-$ as total compensation.

08.Apportionment of Compensation:-

Sl.No	CATEGORIES OF COMPENSATION	APPORTIONED AMOUNT
1	Nominal income	Rs.17,000/-
2	After Deduction the amount is fixed as Rs.17,250 /-	Rs.17,250/-
3	Yearly loss of income $(17,850 \times 12 = 2,14,200/-)$.	Rs. 2,14,200/-
4	Multiplier (36-40)	15
5	loss of dependency $(2,14,200 \times 15 = \text{Rs.}32,13,000/-)$	Rs.32,13,000/-

6	Loss of Estate	Rs.16,500/-
7	Funeral Expenses	Rs.16,500/-
8	Loss of Consortium for 1 st Petitioner	Rs.44,000/-
9	Loss of Consortium for 2 nd Petitioner	Rs.44,000/-
10	Loss of Consortium for 3 rd Petitioner	Rs.44,000/-
11	Loss of Consortium for 4 th Petitioner	Rs.44,000/-
12	Loss of Consortium for 5 th Petitioner	Rs.44,000/-
	Total	Rs.34,66,000/-

With this observation this petition is allowed by directing the 3rd Respondent to pay a Compensation of **Rs.34,66,000/-** With an Interest of 7.5 % Per annum from the date of this petition to the petitioner within a period of One Month. The 1st Petitioner shall be entitled to **Rs.3,00,000/-** Since the 1st Petitioner not provided his Bank Statement, the amount is directed to be deposited in the **Savings Account No. 7756750373 (IFSC Code No. IDIB000P127, INDIAN BANK, PALLADAM BRANCH, PALLADAM,V.Collect.No.V000819)** of Sub court, Palladam directly by **NEFT/RTGS Mode** and The 2nd Petitioner shall be entitled to **Rs.4,00,000/-** Since the 2nd Petitioner not provided her Bank Statement, the amount is directed to be deposited in the **Savings Account No. 7756750373 (IFSC Code No. IDIB000P127, INDIAN BANK, PALLADAM BRANCH, PALLADAM,V.Collect.No.V000819)** of Sub court, Palladam directly by **NEFT/RTGS Mode** and The 3rd Petitioner shall be entitled to **Rs.13,00,000/-**

Since the 3rd Petitioner not provided her Bank Statement, the amount is directed to be deposited in the **Savings Account No. 7756750373 (IFSC Code No. IDIB000P127, INDIAN BANK, PALLADAM BRANCH, PALLADAM,V.Collect.No.V000819)** of Sub court, Palladam directly by **NEFT/RTGS Mode** and The 4th Petitioner shall be entitled to **Rs.10,00,000/-**

Since the Petitioner not provided her Bank Statement, the amount is directed to be deposited in the **Savings Account No. 7756750373 (IFSC Code No. IDIB000P127, INDIAN BANK, PALLADAM BRANCH, PALLADAM,V.Collect.No.V000819)** of Sub court, Palladam directly by **NEFT/RTGS Mode** and The 5th Petitioner, since she is a Minor her amount of **Rs.4,66,000/-** is directed to be pay to the Court account as **Savings Account No. 7756750373 (IFSC Code No. IDIB000P127, INDIAN BANK, PALLADAM BRANCH, PALLADAM, V.COLLECT No.V00819MCOP18of2021)** of Sub court, Palladam directly by **NEFT/RTGS Mode** and to file Bank payment advice into this Court through email (tprpldm.sctn@gmail.com)

09. In the result, this petition in accordingly allowed in part with costs, on the following terms:-

(i) The 3rd Respondent is directed to deposit the award amount of **Rs.34,66,000/-** with interest at the rate of 7.5% p.a from the date of presentation of the petition till the date of realization, with costs, within 30 days from the date of order to the credit of the The 3rd Respondent is directed to deposit the award amount with interest and cost. The 1st Petitioner shall be entitled to **Rs.3,00,000/-** Since the 1st Petitioner not provided his Bank Statement, the amount is directed to be deposited in the **Savings Account No. 7756750373 (IFSC Code No. IDIB000P127, INDIAN BANK, PALLADAM BRANCH, PALLADAM,V.Collect.No.V000819)** of Sub court, Palladam directly by **NEFT/RTGS Mode** and The 2nd Petitioner shall be entitled to **Rs.4,00,000/-** Since the 2nd Petitioner not provided her Bank Statement, the amount is directed to be deposited in the **Savings Account No. 7756750373 (IFSC Code No. IDIB000P127, INDIAN BANK, PALLADAM BRANCH, PALLADAM,V.Collect.No.V000819)** of Sub court, Palladam directly by **NEFT/RTGS Mode** and The 3rd Petitioner shall be entitled to **Rs.13,00,000/-** Since the 3rd Petitioner not provided her Bank Statement, the amount is directed to be deposited in the **Savings Account No. 7756750373 (IFSC Code No. IDIB000P127, INDIAN BANK, PALLADAM BRANCH, PALLADAM,V.Collect.No.V000819)** of Sub court, Palladam directly by **NEFT/RTGS Mode** and The 4th Petitioner shall be entitled to **Rs.10,00,000/-** Since the Petitioner not provided her Bank Statement, the amount is directed

to be deposited in the **Savings Account No. 7756750373 (IFSC Code No. IDIB000P127, INDIAN BANK, PALLADAM BRANCH, PALLADAM,V.Collect.No.V000819)** of Sub court, Palladam directly by **NEFT/RTGS Mode** and The 5th Petitioner, since she is a Minor her amount of **Rs.4,66,000/-** is directed to be pay to the Court account as **Savings Account No. 7756750373 (IFSC Code No. IDIB000P127, INDIAN BANK, PALLADAM BRANCH, PALLADAM, V.COLLECT No.V00819MCOP18of2021)** of Sub court, Palladam directly by **NEFT/RTGS Mode** and to file Bank payment advice into this Court through email (tprpldm.sctn@gmail.com) The petitioners are not entitled to get any interest for the default period if any.

- (ii) The petitioners are entitled to **Rs.34,66,000/-** with proportionate interest and cost. The 1st Petitioner shall be entitled to **Rs.3,00,000/-** and the 2nd petitioner shall be entitled to **Rs.4,00,000/-** The 3rd Petitioner shall be entitled to **Rs.13,00,000/-** and the 4th petitioner shall be entitled to **Rs.10,00,000/-** and the 5th petitioner shall be entitled to **Rs.4,66,000/- each** with proportionate interest and cost.
- (iii) The petitioners are directed to pay the court fee of **Rs.34,032/-** within 2 weeks from the date of this order. The petitioners shall not be entitled to withdraw the sum deposited as per the Award until the balance of court fee is deposited.

- (iv) Advocate fee of **Rs.41,660/-** shall be paid in the (V.Mohan) **Savings Account No. 916020082097541 (IFSC Code No.UTIB0000210 AXIS BANK, TIRUPPUR BRANCH, TIRUPPUR** through NEFT/RTGS Mode.
- (v) Following the judgment of the Hon'ble High Court of Madras in M/s.Cholamandalam MS General Insurance Co Ltd., Vs. Ayyanar & others reported in 2020 (4) CTC 272, no decree is prepared. All the parties are entitled to free copies of the award as per Section 168 (2) of the MV Act and Rules 20 (6) of the Rules.

Dictated to the Steno-Typist, typed by her directly into the computer, corrected, printed out and pronounced by me in Open Court on this the **30th day June 2026**.

Subordinate Judge,
Palladam

Petitioner's side Witness:

No. of Witnesses	Name of the Witnesses
PW1	Deviki

Petitioner's side exhibits:

Ex. No	Date	Details
Ex-P1	-	Copy of FIR
Ex-P2	-	Copy of Final Report
Ex-P3	-	Copy of MV Report
Ex-P4	-	Copy of Post Mortem Report
Ex-P5	-	Copy of Death Certificate
Ex-P6	-	Copy of Legal Heir Certificate
Ex-P7	-	Copy of Deceased Aadhar Card
Ex-P8	-	Copy of Deviki's Aadhaar Card

Respondent's side Witness and Exhibits : NIL

Subordinate Judge,
Palladam

DRAFT / FAIR judgment
MCOP No. 248/2025
Date : 30.06.2026